

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRITTANY SAMANTHA CURRY,

Plaintiff,

v.

WOMEN'S EASTERN RECEPTION,
DIAGNOSTIC AND CORRECTIONAL
CENTER, et al.,

Defendants.

Case No. 4:21-cv-00079 SRC

Memorandum and Order

This matter is before the Court upon review of the file. Plaintiff Brittany Curry commenced this 42 U.S.C. § 1983 civil action on January 19, 2021, alleging mistreatment at the Women's Eastern Reception, Diagnostic and Correctional Center. ECF No. 1. On October 21, 2021, the Court granted Plaintiff's motion for leave to amend and directed that Plaintiff file a second amended complaint within thirty (30) days. ECF No. 14. The Court cautioned Plaintiff that her failure to timely comply with the Order would result in the dismissal of the case without further notice. Plaintiff's response was due on November 22, 2021.

To date, Plaintiff has neither responded to the Court's Order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, she was cautioned that her case would be dismissed if she failed to timely comply, and she was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff's failure to comply with the Court's October 21, 2021 Order and her failure to prosecute her case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily

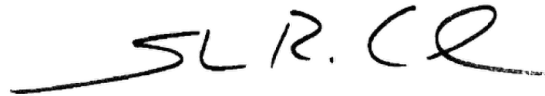
vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 13th day of December, 2021.

A handwritten signature in black ink, appearing to read 'SLR. CL', is written above a horizontal line.

STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE